IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 19.06.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Habeas Corpus Petition No.256 of 2006

Abdul Rahman @ Rahman @ Athurama ... Petitioner

vs.

1 The Secretary to the Government,
Prohibition and Excise Department,
Fort St. George, Chennai-600 009.

2. The Commissioner of Police,
Coimbatore City. ... Respondents

Petition under Article 226 of the Constitution of India for the issuance of Writ of Habeas Corpus to call for the entire records pertaining to the impugned detention order vide C. No.24/G/IS/2005 dated 17.09.2005 passed by the second respondent and approved by the 1st respondent, quash the same as illegal, direct the respondent to produce the detenu Abdul Rahman @ Rahman @ Athurama, now lodged in Central Prison, Coimbatore, before the Court and set him at liberty.

For Petitioner : Mr.M.Vijayakumar
For Respondents : Mr. M.Babu Muthu Meeran,
Addl. Public Prosecutor.

O R D E R

(Order of the Court was made by P.SATHASIVAM, J.)

The petitioner challenges the detention order, dated 17.09.2005, detaining him as 'Goonda' as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982).

2. Heard learned counsel for the petitioner as well as

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learned Additional Public Prosecutor for the respondents.

2. The only contention raised by the learned counsel for the petitioner is that there was delay in disposal of the representation of the detenu.

With reference to the same, learned Additional Public Prosecutor placed the details, which show that the representation, dated 14.10.2005, was received by the Government on 19.10.2005, remarks were called for on the same day and received from the Sponsoring Authority on 28.10.2005. Thereafter, File was dealt with by the Under Secretary and Deputy Secretary on 31.10.2005 and an order was passed by the Minister for Prohibition and Excise on the same day. Rejection letter was prepared on 07.11.2005 and the same was sent to the detenu on 8.11.2005 and served to him on 11.11.2005.

4. It is contended that though the Minister for Prohibition and Excise passed orders on 31.10.2005, there is no justification for taking time till 07.11.2005 for preparation of the Rejection Letter. Learned Additional Public Prosecutor has brought to our notice that 01.11.2005, 4.11.2005, 5.11.2005 and 6.11.2005 were holidays due to Diwali, Ramzan, Saturday and Sunday respectively. If we exclude those public holidays, we are of the view that the time taken for preparation of the Rejection Letter comes within the permissible limit of three days. Hence, we reject the contention of the learned counsel for the petitioner.

5. No other point has been urged before us. Habeas Corpus Petition fails and the same is dismissed.
JI.

Sd/
Asst.Registrar

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Sub Asst.Registrar

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To

1. The Secretary to Government, Prohibition and Excise Department, Fort St. George, Chennai 600 009.
2. The Commissioner of Police, Coimbatore.
3. The Superintendent, Central Prison, Coimbatore.
   (In duplicate for communication to detenu)
4. The Joint Secretary to Government, Public (Law and Order)
   Fort St. George, Chennai-9.
5. The Public Prosecutor, High Court, Madras.

+ one cc to Mr. M. Vijayakumar, Advocate sr no. 26100

AK(CO)
NM(30.06.2006)

HCP. No.256 of 2006

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